

REMARKS

Claims **1 - 2, 10 - 12, 14, 15, 32 - 36, 38 - 39 and 41 - 43** are pending.

Claims **1 - 2, 10 - 12, 14, 15, 32 - 36, and 41 - 43** were examined.

Claims **1, 10, 14, 32 and 41 - 43** are independent.

ELECTION

We confirm the election without traverse of what the Examiner designated as Invention I: claims **1, 2, 10 - 12, 14, 15, 32 - 36 and 41 - 43**.

Claims **38 and 39** are withdrawn.

DRAWING CHANGES

FIG. 1 has been amended to correct the typographical error noted by the Examiner.

CLAIM OBJECTIONS

Claim **10** has been amended to correct the typographical error noted by the Examiner in the claim objection.

SECTION 112, ¶ 2 REJECTIONS

Claims **10 - 12 and 32 - 36** were rejected as indefinite.

Independent claim **10** as amended does not recite the term "requested information", and the claim is not indefinite.

Independent claim **32** as amended does not recite the term "selected supplemental information", and the claim is not indefinite.

SECTION 102 AND 103 REJECTIONS

Independent Claims **1 and 32** are rejected as anticipated by Palmer (U.S. Patent No. 5,438,355). The remaining claims were rejected as obvious in view of Palmer and other references.

In summary, each pending claims is neither suggested nor anticipated by any references of record, whether alone or in combination. Various limitations are not suggested by the references, and further there is no motivation to combine the references in the manner offered by the Examiner.

1. Supplemental Audio information and Request for Supplemental Audio Information

All independent claims (claims **1, 10, 14, 32 and 41 - 43**) as amended recite that the supplemental information is supplemental audio information.

Palmer, in contrast, teaches away from any such audio information. Palmer provides textual information, but has nothing to do with providing *supplemental audio information* (as the Examiner admits at the beginning of page 7 of the Office Action). In fact, the information of Palmer is limited to "program data" about particular TV programming. Such "program data"

"includes information regarding the particular program identified by the PIC code, such as purchase receipts, details regarding the products and services advertised in the commercial, or any other information an advertiser wishes to convey to the viewer via a fax transmission."

Clearly, since in Palmer such "program data" is transmitted via facsimile or email, it must be text. See, e.g., Palmer, col. 2, lines 8 - 17 and 52 - 55.

Likewise, no other reference of record suggests requesting or providing supplemental audio information. Field, for example, does not involve any request for supplemental audio information.

2. Supplemental information is transmitted to / received from a telephone receiver

All independent claims (claims **1, 10, 14, 32 and 41 - 43**) as amended recite that the supplemental information is transmitted to / received from a telephone receiver.

For example, claim 1 recites:

a program ... for transmitting the requested supplemental audio information through said apparatus to a telephone receiver

and claim **32** recites:

receiving supplemental audio information according to the selection information during the broadcast television program from a telephone receiver

Palmer, in contrast, discloses that retrieved program data is provided by facsimile or email. See, e.g., Palmer, col. 2, lines 8 - 17 and 52 - 55. As described above, the information in Palmer must text, so it could not be transmitted to / received from a telephone receiver.

Likewise, no other reference of record suggests that supplemental information is transmitted to / received from a telephone receiver. Field, for example, discloses only reception by a television.

3. Synchronizing the information

All independent claims (claims **1, 10, 14, 32 and 41 - 43**) as amended recite that the *supplemental audio information is synchronized*. Some of the independent claims specifically recite what the *supplemental audio information* is synchronized with.

For example, claim **10** recites:

synchronizing the requested supplemental audio information with an audio component of the broadcast television program using the synchronization information

Clearly, since information in Palmer is sent via email or facsimile, nothing need be synchronized in Palmer. The Examiner appears to admit this on page 8 of the Office Action.

On page 8 of the Office Action the Examiner implies that Field combined with Palmer would render obvious claim **10**, which recited (among other limitations) *synchronizing the requested information with an audio component of the broadcast television program*.

However, claim **10** (for example) recites that the information is synchronized *using the synchronization information [that is received]*. Neither Palmer nor Field receive any *synchronization information*, much less using *synchronization information* to synchronize anything.

4. No motivation to combine

The record contains no evidence of a motivation to combine the references in the manner proposed by the Examiner. Accordingly, a *prima facie* case of unpatentability has not been shown.

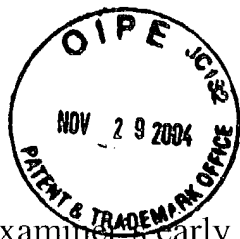
The motivation proposed for combining Palmer and Field is:

"It would have been obvious to one of ordinary skill in the art to modify the system of Palmer by synchronizing the additional audio signal with normal audio signal associated with video program as disclosed by Field in order to provide the additional audio information concurrently with TV program."

Office Action, page 8.

However, the proposed combination would not be operative, and moreover would not further the motivation of "to provide the additional audio information concurrently with TV program."

Palmer does not provide any audio information - textual information is provided via facsimile upon request. See, e.g., Palmer, col. 2, lines 8 - 17 and 52 - 55. Since there is no audio in Palmer, there is no need to synchronize any audio in Palmer.



CONCLUSION

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The Examiner's early examination and consideration are respectfully requested. Alternatively, if there are any questions regarding the present application, the Examiner is invited to contact Applicants' undersigned attorney using the information provided below.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number (203) 461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "D. Alderucci".

Dean P. Alderucci
Attorney for Applicants
Registration No. 40,484
Alderucci@walkerdigital.com
(203) 461-7337/voice
(203) 461-7300/fax

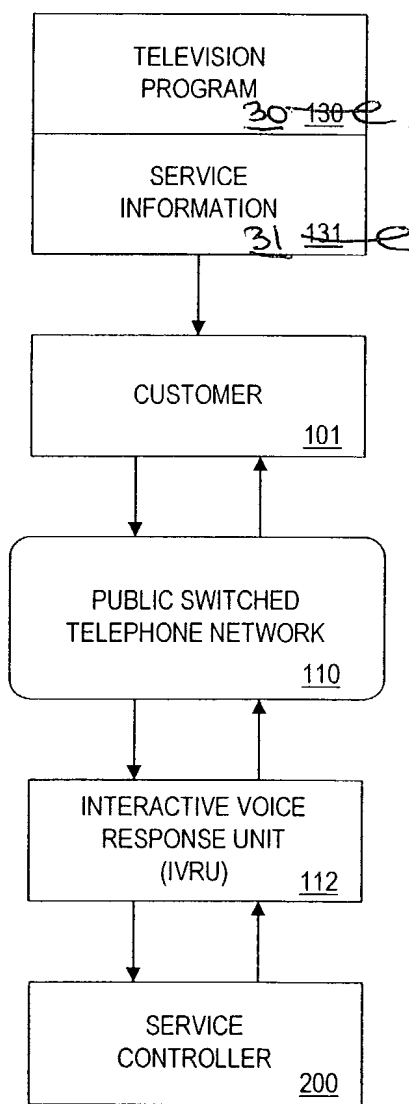


FIG. 1